

**REMARKS**

This paper is responsive to the Final Office Action of December 24, 2009. Reconsideration and allowance of claims 2-7, 9-13 and 15-17 are requested.

**The Office Action**

Claims 1 and 14 stand rejected under 35 U.S.C. § 102 over Yan ("A Model to Accumulate Fractionated Dose in a Deforming Organ").

Dependent claims 2-7, 12, and 15-17 were indicated as containing allowable subject matter.

Claims 9-11 and 13 stand allowed.

**The Present Amendment Places the Application  
In Condition For Allowance**

**Claim 2** has been placed in independent form. Because claim 2 was indicated as containing allowable subject matter, it is submitted that **claim 2 and claims 3-7 and 12 dependent therefrom** are now in condition for allowance.

The allowance of **claims 9-11 and 13** is noted with appreciation.

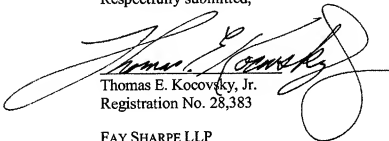
**Claim 17**, which was indicated as containing allowable subject matter, has been placed in independent form. Accordingly, it is submitted that **claim 17 and claims 15 and 16 dependent therefrom** distinguish patentably over the references of record.

**CONCLUSION**

For the reasons set forth above, it is submitted that claims 2-7, 9-13 and 15-17 distinguish patentably over the references of record and meet all statutory requirements. An early allowance of all claims is requested.

In the event the Examiner considers personal contact advantageous to the disposition of this case, the Examiner is requested to telephone Thomas Kocovsky at 216.363.9000.

Respectfully submitted,

A large, stylized handwritten signature in black ink, appearing to read 'Thomas E. Kocovsky, Jr.', is written over the typed name and registration number.

Thomas E. Kocovsky, Jr.  
Registration No. 28,383

FAY SHARPE LLP  
The Halle Building, 5th Floor  
1228 Euclid Avenue  
Cleveland, OH 44115-1843  
Telephone: 216.363.9000 (main)  
Telephone: 216.363.9122 (direct)  
Facsimile: 216.363.9001  
E-Mail: [tkocovsky@faysharpe.com](mailto:tkocovsky@faysharpe.com)